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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,182	11/24/2003	Tad Dennis Brockway	MS1-1788US	7008
22801 7590 12/09/2008 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER BOUTAH, ALINA A				
ART UNIT 2443		PAPER NUMBER		
MAIL DATE 12/09/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,182

Applicant(s)

BROCKWAY ET AL.

Examiner

ALINA N. BOUTAH

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed September 5, 2008.

Claims 1-20 are pending in the present application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dal Canto et al. (US 2003/0217166) in view of Snyder et al. (US 2004/0177073).

Regarding claim 1, Dal Canto teaches a method for presenting a merged view of remotely installed applications to which a user has terminal server (TS) based access, the method comprising:

sending, by a client computing device, a remote application discovery request to a Remote Application Publishing (RAP) web server (paragraphs 40, 41, 43 and 47-49; figure 4: 2000 and 2020 and 2030);

receiving, by the client computing device, responsive, by the client computing device, responsive to the request, a discovery response from the RAP web server, the discovery response comprising remote application information aggregated by the RAP web server from multiple sources (paragraphs 40, 41, 43 and 47-49; figure 4: 2000 and 2020 and 2030);

generating, based on the discovery response, by a client computing device, one or more shortcuts to one or more respective applications to which the user has TS based access (paragraph 0049, icons 440);

wherein each of the applications to which the user has TS based access are installed at one or more installation points in an intranet, the client computing device being external to the intranet (figure 1; 0041, 0049); and

wherein the one or more shortcuts present a merged view to the user of the applications (figure 2) to which the user has TS based access, the merged view being transparent of whether the applications to which the user has TS based access are managed by different information sources across multiple accessor modules on the Intranet and configured for remote TS-based execution by different ones of multiple installation points (paragraph 51).

However, Dal Canto does not explicitly teach: wherein the one or more shortcuts being independent application files that point to the one or more respective applications to which the user has TS based access, the shortcuts being stored on the client

computing device and presented to the user thru a user interface (UI) shell executing on the client computing device.

However, this feature is known in the art of computing as evidenced by an analogous art. Snyder teaches more shortcuts being independent files that point to the one or more respective applications to which the user has TS based access, the independent files being stored on the client computing device and presented to the user thru a user interface (UI) shell executing on the client computing device (see i.e. figures 12 and 13). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ the use of shortcuts in order to link specific file or directories, thus making file access easier and quicker.

Regarding claim 2, Dal Canto teaches a method as recite in claim 1, wherein the one or more information sources comprise a directory service, a Systems Management Server, and/or a personal office computer associated with the user (paragraph 0009).

Regarding claim 3, Dal Canto teaches a method as recite in claim 1, wherein the one or more installation points comprise one or more servers and/or office computers associated with the user (paragraph 0009).

Regarding claim 4, Dal Canto teaches a method as recite in claim 1, wherein the shortcuts are presented in a desktop of the user (figure 2)

Regarding claim 5, Dal Canto teaches a method as recite in claim 1, wherein the shortcuts are presented in an Internet browser window associated with a Web service providing remote application discovery, the Web service being deployed on a Web server in the Intranet and accessible by the client computing device over a public network (figure 2).

Claims 6-10 are similar to claims 1-5, respectively, therefore are rejected under the same rationale.

Claims 11-15 are similar to claims 1-5, respectively, therefore are rejected under the same rationale.

Claims 16-20 are similar to claims 1-5, respectively, therefore are rejected under the same rationale.

Response to Arguments

Applicant's arguments have been considered but are not found persuasive.

In the interview conducted July 24, 2008, the Examiner agreed that the proposed amendment would overcome at least the prior art cited. However, upon careful reading and further consideration, it is determined that the same prior art, Dal Canto, still reads onto the amended claims (see the rejection above). Therefore this office action is made non-final so that Applicant can make appropriate amendment in order to place the application in better form for allowance.

Conclusion

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the Examiner to the claimed invention are for the convenience of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the entirety of these prior art references during the process of responding to this Office Action. It is further noted that any alternative and non-preferred embodiments as taught and/or suggested within the prior art references also constitute prior art and the prior art references may be relied upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

The prior art listed in the PT0-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to

provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner in accordance with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALINA N. BOUTAH whose telephone number is (571)272-3908. The examiner can normally be reached on Monday-Thursday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alina N Boutah/
Examiner, Art Unit 2443